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Express Mail No.: EL 451 593 944 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dear *et al.*

Serial No.: 09/486,247

Group Art Unit: To be assigned

Filed: February 18, 2000

Examiner: To be assigned

For: PROTEASE-RELATED PROTEIN

Attorney Docket No.:
8484-081-999

**REQUEST TO ESTABLISH SMALL ENTITY STATUS AND
REQUEST FOR REFUND UNDER 37 CFR § 1.28**

Application Processing Division
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Request to Establish Small Entity Status and/or Request for Refund under 37 CFR § 1.28 is made to establish small entity status and, request a refund for the portion of fees paid prior to establishing status as a small entity under 37 CFR § 1.27. The request for refund is timely made as Applicants submitted for filing a Utility Patent Application under 37 CFR § 1.53(b) on February 18, 2000, which is within the two-month time period allowed to request a refund of the excess amount of fees timely paid in full prior to establishing status as a small entity.

On February 18, 2000, Applicants submitted a filing under 37 CFR § 1.53(b). The Patent and Trademark Office was requested to charge \$1,118.00 to Pennie & Edmonds' Deposit Account No. 16-1150, which represents the filing fee afforded to large entities. For your review, we have enclosed a copy of the transmittal letter, dated February 18, 2000, which shows the fee calculation.

RECEIVED ACCOUNTING
DIVISION
APR 24 10 30 AM '00

Applicants now submit an executed original Verified Statement (Declaration) Claiming Small Entity Status under § 1.27(d) for Deutsches Krebsforschungszentrum Stiftung des öffentlichen Rechts, who qualifies as a Small Entity under 37 C.F.R. §§ 1.9 (f) and 1.27 (d). It is respectfully requested that the application be accorded Small Entity Status in accordance with 37 C.F.R. §§ 1.9(f) and 1.27(d).

An application fee of \$1,118.00 was timely paid on February 18, 2000, in connection with the above-identified application from Pennie & Edmonds LLP Deposit Account No. 16-1150, of which \$559.00 is in excess of the amount now required. Pursuant to 37 CFR § 1.28(a), Applicants request a refund of the excess amount within two months of its timely payment. Accordingly, Applicants hereby request that the amount of \$559.00 be credited to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

No fee is believed to be due with this filing. However, should the Commissioner determine otherwise, he is authorized to charge the required fee to the Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is attached.

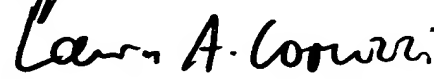
Respectfully submitted,

Date April 18, 2000


Birgit Millauer

43,341

(Reg. No.)


For: Laura A. Coruzzi (Reg. No. 30,742)
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosure

FORM PTO-1390 (REV. 11-94)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 8484-081-999	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)					
INTERNATIONAL APPLICATION NO. PCT/EP98/05110		INTERNATIONAL FILING DATE August 12, 1998		PRIORITY DATE CLAIMED August 20, 1997	
TITLE OF INVENTION PROTEASE-RELATED PROTEIN					
APPLICANT(S) FOR DO/EO/US DEAR <i>et al.</i>					

Applicant herewith submits to the United States Designated/ Elected Office (DO/EO/US) the following items under 35 U.S.C. 371:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the international Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) (unexecuted).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☒ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
 Return Post Card;
 Request for International Application;
 Copy of front page of PCT as published;
 International Search Report;
 Request for Preliminary Examination; and
 International Preliminary Examination Report.

17. ☒ The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees as follows:

CLAIMS				
(1)FOR	(2)NUMBER FILED	(3)NUMBER EXTRA	(4)RATE	(5)CALCULATIONS
TOTAL CLAIMS	21 - 20		X \$ 18.00	\$ 18.00
INDEPENDENT CLAIMS	2 - 3		X \$ 78.00	0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 260.00	\$ 260.00
BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): CHECK ONE BOX ONLY				
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482)			\$ 870.00	
<input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))			\$ 760	
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO			\$ 970	
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2) to (4)			\$ 96	
<input checked="" type="checkbox"/> Filing with EPO or JPO search report			\$ 840	\$ 840.00
Surcharge of \$130.00 for furnishing the National fee or oath or declaration later than 20 30 mos. from the earliest claimed priority date (37 CFR 1.492(e)).				
TOTAL OF ABOVE CALCULATIONS			=	1,118.00
Reduction by 1/2 for filing by small entity, if applicable. Affidavit must be filed also. (Note 37 CFR 1.9, 1.27, 1.28).			-	\$ 0.00
SUBTOTAL			=	1,118.00
Processing fee of \$130.00 for furnishing the English Translation later than 20 30 mos. from the earliest claimed priority date (37 CFR 1.492(f)).			+	
0 TOTAL FEES ENCLOSED			\$	1,118.00

- a. ☐ A check in the amount of \$__ to cover the above fees is enclosed.
- b. ☒ Please charge Deposit Account No. 16-1150 in the amount of \$ 1,118.00 to cover the above fees. A copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-1150. A copy of this sheet is enclosed.

18. ☒ Other instructions
Please calculate the claims after entry of the enclosed Preliminary Amendment.

19. ☒ All correspondence for this application should be mailed to
PENNIE & EDMONDS LLP
1155 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036-2711

20. ☒ All telephone inquiries should be made to (212) 790-2803

Birgit Millauer

NAME

For:

Laura A. Coruzzi

(Reg. No. 30,742)

SIGNATURE

43,341

REGISTRATION NUMBER

February 18, 2000

DATE